

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SARAH MOLINA, *et al.*

Plaintiffs,

v.

CITY OF ST. LOUIS *et al.*,

Defendants.

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Case No. 4:17-cv-2498-AGF

DEFENDANTS' MOTION TO AMEND CASE MANAGEMENT ORDER

COME NOW Defendants City of St. Louis (“City”), Daniel Book, Joseph Busso, Jason Chambers, Lance Coats, Stephen Dodge, Joseph Mader, Michael Mayo, Mark Seper, and William Wethington (collectively “Defendants”), by and through their attorney Julian Bush, City Counselor for the City of St. Louis, and for Defendants’ Motion for Leave to Amend Case Management Order state as follows:

1. On April 27, 2020, the Court granted Defendants’ Motion to Amend the Case Management Order to allow Defendants additional time to obtain video recordings of the events of August 19, 2015 taken by Scott Kampas and obtain the production of Plaintiff Christina Vogel’s medical records as relevant to her claim of emotional distress. (Doc. 155).
2. Accordingly, the current discovery deadline is today, June 8, 2020, and the dispositive motion deadline is June 15, 2020. *Id.*

3. Today, the third-party data recovery company engaged to recover Mr. Kampas' hard drive advised that the recovered data will be ready for pickup or mailing tomorrow, June 9, 2020.¹

4. Because Mr. Kampas asserted that the hard drive contains materials he asserts are privileged and not responsive to the City's subpoena, City previously agreed to allow Mr. Kampas to receive the recovered data and provide only responsive material to City.²

5. City has requested that Mr. Kampas produce the responsive material no later than June 12, 2020, but his need for time to review the recovered data, and in particular the deleted material without file names or associated metadata, may make that request impracticable.

6. Depending on the quantity of video produced by Mr. Kampas, counsel for City may also need several days to review it prior to filing Defendant' Motion for Summary Judgment.

7. City's Motion to Compel regarding Ms. Vogel's medical records remains pending. However, Defendants do not anticipate that those records will be needed before filing Defendants' Motion for Summary Judgment.

8. For these reasons, Defendants respectfully request that the Court extend the dispositive motion deadline ten days, up to and including June 25, 2020, and further enter an order permitting discovery to continue only for the purpose of obtaining video

¹ The recovery company received the hard drive from Mr. Kampas on or about May 12, 2020.

² The third-party data recovery company also advised today, without revealing the content of any recovered material, that the recovered material includes vast quantities of deleted video for which associated metadata is not recoverable. City advises the Court of this development because, depending on whether the video sought is ultimately produced by Mr. Kampas, it may be necessary for City to seek further relief from this Court to conduct depositions to enquire regarding the deleted material – potentially of Mr. Kampas or a representative of the data recovery company.

recordings of the events of August 19, 2015 taken by Scott Kampas and for the purpose of (depending on the Court's order on the pending Motion to Compel) obtaining Ms. Vogel's medical records as set forth in the pending Motion to Compel.

WHEREFORE, Defendants respectfully request that the Court extend the dispositive motion deadline ten days, up to and including June 25, 2020, and further enter an order permitting discovery to continue only for the purpose of obtaining video recordings of the events of August 19, 2015 taken by Scott Kampas and for the purpose of (depending on the Court's order on the pending Motion to Compel) obtaining Ms. Vogel's medical records as set forth in the pending Motion to Compel.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Andrew D. Wheaton